IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER SUMMONS NO.283 OF 2005.

IN

SUIT NO. 4083 OF 2000.

M/S.DEEPAK ARTS. ..PLAINTIFFS.

Versus.

JOHN FURTADO ..DEFENDANTS.

Ms. J. M. Sidhwa i/b. L.C. Tolat & Co.
for plaintiffs.

None for defendants.

CORAM:S.C.DHARMADHIKARI,J.

DATED: 24th July, 2006.

Not on board, upon mentioning taken on board.

P.C.:-

1] This Chamber Summons is already served.

2] Ms. Sidhwa states that notice of this application is also served on the defendant's Advocate. She undertakes to file affidavit proving service. The said affidavit be filed within a period of one week from

today.

3] A formal amendment is sought to the suit because the firm which has instituted the suit consisted of two partners and now one of the partner has expired on 6th September,2001 and thereafter the plaintiff is sole proprietorship concern of Mr. Rashid Irani.

4] There is no prejudice or loss by this amendment because the cause of action does not change. In any event, the amendment being granted does not mean that the pleas of the defendants with regard to the alleged liability are, in any manner adjudicated upon. All pleas including maintainability and limitation are kept open for being raised.

5] Chamber Summons is made absolute in terms of prayer clause (a).

6] Amendment to be carried within a period of two weeks from today. Copy of the amended plaint to be served within two weeks

thereafter.

7] No order as to costs.

[S.C. DHARMADHIKARI,J]